

Application No. 10/759,890
Docket No. 16274.176
Reply to Office Action mailed March 28, 2006

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REMARKS

This paper is presented in response to the Office Action. By this paper, claim 5 is amended and new claims 21-24 are added. Claims 1-24 are now pending in view of the aforementioned amendments and new claims.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments to the claims and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicant notes that the remarks and amendments, or a lack of remarks, herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant, as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Further, Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims 1-20 under 35 U.S.C. § 102

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (2) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP § 2131*.

The Examiner has rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,830,385 to Ishigami et al. ("*Ishigami*"). Applicant respectfully disagrees.

Application No. 10/759,890
Docket No. 16274.176
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a. claim 1

In the rejection of claim 1, the Examiner has asserted that *Ishigami* discloses a “ramp (element 163...)” along which a “movable actuator (element 118...)” purportedly moves as a “release mechanism (element 110...) ... is moved from the first position to the second position.” In support of this assertion, the Examiner offers nothing more than vague references to “Figs 5A-10B.” It would thus appear that the assertion of the Examiner that the “movable actuator element 118 ... moves along ... ramp 163” is little more than speculation. In this regard, Applicant respectfully notes that in rejecting claims for want of novelty or for obviousness, the Examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 CFR 1.104 (emphasis added). Moreover, “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” *MPEP* § 706. Inasmuch as the rejection stated by the Examiner does not comply with the aforementioned guidelines, Applicant respectfully submits that such rejection should be withdrawn.

The rejection posed by the Examiner is problematic for other reasons as well. For example, the Examiner has asserted that *Ishigami* discloses an arrangement “... wherein the actuator does not deflect the cage latch when the release mechanism is in the first position (elements 118, 106 Figs 5A-10B) ...” *Emphasis added*. In this case, the Examiner has failed to identify which element(s) of *Ishigami* are purported to constitute a “cage latch.” Moreover, the reference of the Examiner to “element 118, 106 Figs 5A-10B” is not only vague but confusing.

Particularly, it is not at all apparent to Applicant how the reference to “elements 118 106 Figs 5A-10B” provides any support for the rejection stated by the Examiner. Further, it appears that while the Examiner may have intended to correlate elements 118 and 106 of *Ishigami* to the “first position” of the “release mechanism” recited in claim 1, the Examiner has elsewhere correlated element 110 of *Ishigami* to the release mechanism of claim 1. Thus, it is unclear from the rejection what element(s) of *Ishigami* are purported to constitute the “release mechanism.”

As a final example, the Examiner has asserted that *Ishigami* discloses “... the actuator deflects the cage latch when the release mechanism is in the second position such that that transceiver module can be removed from the cage (elements 118, 110, Figs 5A-10B).” Again, the basis for the rejection is little more than a vague reference to various Figures of *Ishigami*.

Application No. 10/759,890
Docket No. 16274.176
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As outlined above, Applicant respectfully submits that the Examiner has improperly relied on nothing more than vague references to the Figures of *Ishigami* in rejecting claim 1. Moreover, the Examiner has not clearly explained the alleged pertinence of that reference, nor has the Examiner clearly articulated the rejection. Consequently, the Examiner has left the Applicant to guess as to what the Examiner believes to be the specific correlation between *Ishigami* and the claimed invention. This much, Applicant respectfully declines to do, inasmuch as the burden of establishing anticipation is on the Examiner in the first instance.

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *Ishigami* anticipates claim 1, at least because the Examiner has failed to establish that each and every element as set forth in claim 1 is found in *Ishigami*, because the Examiner has failed to establish that the identical invention is shown in *Ishigami* in as complete detail as is contained in claim 1, and because the Examiner has not established that *Ishigami* discloses the elements arranged as required by claim 1.

Applicant thus respectfully submits that the rejection of claim 1, as well as the rejection of corresponding dependent claims 2-8, should accordingly be withdrawn.

b. claim 9

In the rejection of claim 9, from which claims 10-16 depend, the Examiner has alleged that *Ishigami* discloses:

“... a module assembly comprising: a ramp (element 163, Figs 5A-10B) on the interface surface of the transceiver module, the ramp having a ramp surface that slopes away from the interface surface of the transceiver module and toward the cage latch; an actuator (element 118, Figs 5A-10B) adjacent the interface surface of the transceiver module and configured to be movable on the ramp surface; a release handle (element 119, Figs 5A-10B) mounted on the transceiver module and coupled to the actuator such that rotating the release handle in a first direction causes the actuator to move along the ramp surface toward the cage latch thereby moving the cage latch away from the interface surface and such that rotating the release handle in a second direction causes the actuator to move along the ramp surface toward the interface surface and away from the cage latch.”

Emphasis added. As the foregoing makes clear, the Examiner has failed to specifically identify which elements purportedly disclosed in *Ishigami* that the Examiner believes to correspond to elements recited in the rejected claims. For example, Applicant notes that the Examiner has failed to identify, with any specificity whatsoever, which element(s) of *Ishigami* is/are purported to correspond to the claim 9 elements: “a ramp surface;” “a first direction;” and, “a second direction.”

As in the case of the rejection of claim 1, the Examiner has, in rejecting claim 9, again relied largely on vague references to “Figs 5A-10B” in support of the rejection. Applicant thus submits that the rejection of claim 9 is defective for the reasons set forth in the discussion of claim 1 at II.b. above.

Application No. 10/759,890
Docket No. 16274.176
Reply to Office Action mailed March 28, 2006

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *Ishigami* anticipates claim 9, at least because the Examiner has failed to establish that each and every element as set forth in claim 9 is found in *Ishigami*, because the Examiner has failed to establish that the identical invention is shown in *Ishigami* in as complete detail as is contained in claim 9, and because the Examiner has not established that *Ishigami* discloses the elements arranged as required by claim 9.

Applicant thus respectfully submits that the rejection of claim 9, as well as the rejection of corresponding dependent claims 10-16, should accordingly be withdrawn.

c. claim 17

In the rejection of claim 17, from which claims 18-20 depend, the Examiner has alleged that *Ishigami* discloses "... the cage structure having an opening (element 175, Figs 5A-10B) and a latch (element 114, Figs 5A-10B) adjacent the opening, the latch further including a latch slot ..." However, the Examiner has specifically failed to identify which element(s) purportedly disclosed in *Ishigami* that the Examiner believes to correspond to the "latch slot."

Similar to claim 1 discussed above, claim 17 also recites "... the transceiver module is removable from the cage by moving the release mechanism such that it forces the actuator along the ramp ..." As noted in the discussion of claim 1 however, the Examiner has not established that *Ishigami* discloses this limitation.

In view of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *Ishigami* anticipates claim 17, at least because the Examiner has failed to establish that each and every element as set forth in claim 17 is found in *Ishigami*, because the Examiner has failed to establish that the identical invention is shown in *Ishigami* in as complete detail as is contained in claim 17, and because the Examiner has not established that *Ishigami* discloses the elements arranged as required by claim 17.

Applicant thus respectfully submits that the rejection of claim 17, as well as the rejection of corresponding dependent claims 18-20, should accordingly be withdrawn.

III. New Claims 21-24

By this paper, Applicant has added new claims 21-23. Support for these new claims can be found in the specification at, for example, Figure 5A and page 7, lines 26-30. Inasmuch as claims 21-23 depend from claim 1, believed to be in allowable condition for at least the reasons set forth herein, Applicant respectfully submits that claims 21-23 are likewise in allowable condition.

Applicant has also added new independent claim 24, likewise believed to be in allowable condition.

Application No. 10/759,890
Docket No. 16274.176
Reply to Office Action mailed March 28, 2006

IV. Change in Attorney Docket No.

Applicant respectfully notes that the Office Action references Attorney Docket No. "2003P54492US/I331.130.101." Pursuant to the Change of Attorney Docket Number filed in this case on May 31, 2006, the correct docket number for this case is 16274.176. Applicant thus respectfully requests that all applicable USPTO records be updated accordingly, and Applicant further requests that all further communications from the USPTO reference docket number 16274.176.

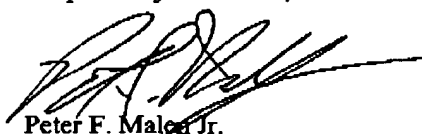
Application No. 10/759,890
Docket No. 16274.176
Reply to Office Action mailed March 28, 2006

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-24 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 28th day of August, 2006.

Respectfully submitted,



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